

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNIVERSITY OF PITTSBURGH OF)
THE COMMONWEALTH SYSTEM OF)
HIGHER EDUCATION d/b/a)
UNIVERSITY OF PITTSBURGH)

Civil Action No.: 2:08-cv-01307

Judge Arthur J. Schwab

Plaintiff,)

v.)

FILED ELECTRONICALLY

VARIAN MEDICAL SYSTEMS, INC.)

Defendant.)

FINAL VERDICT FORM

Based on the evidence admitted at trial and in accordance with the instructions as given by the Court, we, the jury, unanimously agree to the answers to the following questions:

CLAIM 20

1. Has the University of Pittsburgh proven by clear and convincing evidence that Varian's arguments that Claim 20 of the '554 patent is invalid are unreasonable?

Yes _____ No _____

If the answer to question 1 is "yes," answer question 2. If your answer to question 1 is "no," skip question 2 and go to question 3.

2. For each of the following time periods, please state whether the University of Pittsburgh has proven by clear and convincing evidence that Varian knew, or it was so obvious that Varian should have known, that it was highly likely it was infringing a valid patent:

a. From June 2002 through April 13, 2007 (the day Pitt sued Varian for infringing the '554 patent)

Yes _____ No _____

b. From April 13, 2007 (the day Pitt sued Varian for infringing the '554 patent) through March 31, 2010 (the day the US Patent Office issued its Notice of Intent to Issue Reexamination Certificate)

Yes _____ No _____

- c. From March 31, 2010 (the day the US Patent Office issued its Notice of Intent to Issue Reexamination Certificate) to the present.

Yes _____ No _____

CLAIM 21

3. Has the University of Pittsburgh proven by clear and convincing evidence that Varian's arguments that Claim 21 of the '554 patent is invalid are unreasonable?

Yes_____ No _____

If the answer to question 3 is "yes," answer question 4. If your answer to question 3 is "no," skip question 4 and go to question 5.

4. For each of the following time periods, please state whether the University of Pittsburgh has proven by clear and convincing evidence that Varian knew, or it was so obvious that Varian should have known, that it was highly likely it was infringing a valid patent:

- a. From June 2002 through April 13, 2007 (the day Pitt sued Varian for infringing the '554 patent)

Yes _____ No _____

- b. From April 13, 2007 (the day Pitt sued Varian for infringing the '554 patent) through March 31, 2010 (the day the US Patent Office issued its Notice of Intent to Issue Reexamination Certificate)

Yes _____ No _____

- c. From March 31, 2010 (the day the US Patent Office issued its Notice of Intent to Issue Reexamination Certificate) to the present.

Yes _____ No _____

CLAIM 22

5. Has the University of Pittsburgh proven by clear and convincing evidence that Varian's arguments that Claim 22 of the '554 patent is invalid are unreasonable?

Yes_____ No _____

If the answer to question 5 is "yes," answer question 6. If your answer to question 5 is "no," skip question 6 and go to question 7.

6. For each of the following time periods, please state whether the University of Pittsburgh has proven by clear and convincing evidence that Varian knew, or it was so obvious that Varian should have known, that it was highly likely it was infringing a valid patent:

- a. From June 2002 through April 13, 2007 (the day Pitt sued Varian for infringing the '554 patent)

Yes _____ No _____

- b. From April 13, 2007 (the day Pitt sued Varian for infringing the '554 patent) through March 31, 2010 (the day the US Patent Office issued its Notice of Intent to Issue Reexamination Certificate)

Yes _____ No _____

- c. From March 31, 2010 (the day the US Patent Office issued its Notice of Intent to Issue Reexamination Certificate) to the present.

Yes _____ No _____

CLAIM 25

7. Has the University of Pittsburgh proven by clear and convincing evidence that Varian's arguments that Claim 25 of the '554 patent is invalid are unreasonable?

Yes_____ No _____

If the answer to question 7 is "yes," answer question 8. If your answer to question 7 is "no," skip question 8 and go to question 9.

8. Has the University of Pittsburgh proven by clear and convincing evidence that Varian knew, or it was so obvious that Varian should have known, that it was highly likely it was infringing a valid patent?

Yes _____ No _____

CLAIM 26

9. Has the University of Pittsburgh proven by clear and convincing evidence that Varian's arguments that Claim 26 of the '554 patent is invalid are unreasonable?

Yes_____ No _____

If the answer to question 9 is "yes," answer question 10. If your answer to question 9 is "no," skip question 10 and go to question 11.

10. Has the University of Pittsburgh proven by clear and convincing evidence that Varian knew, or it was so obvious that Varian should have known, that it was highly likely it was infringing a valid patent?

Yes _____ No _____

CLAIM 36

11. Has the University of Pittsburgh proven by clear and convincing evidence that Varian's arguments that Claim 36 of the '554 patent is invalid are unreasonable?

Yes_____ No _____

If the answer to question 11 is "yes," answer question 12. If your answer to question 11 is "no," skip question 12 and go to question 13.

12. Has the University of Pittsburgh proven by clear and convincing evidence that Varian knew, or it was so obvious that Varian should have known, that it was highly likely it was infringing a valid patent?

Yes _____ No _____

CLAIM 38

13. Has the University of Pittsburgh proven by clear and convincing evidence that Varian's arguments that Claim 38 of the '554 patent is invalid are unreasonable?

Yes_____ No _____

If the answer to question 13 is "yes," answer question 14. If your answer to question 13 is "no," skip question 14 and complete the form.

14. Has the University of Pittsburgh proven by clear and convincing evidence that Varian knew, or it was so obvious that Varian should have known, that it was highly likely it was infringing a valid patent?

Yes _____ No _____

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. All jurors should then sign and date the verdict form in the spaces below and notify the bailiff that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

X_____ Foreperson

X_____

X_____

X_____

X_____

X_____

X_____

X_____

DATED: _____, 2012